



**THE CITY OF NEW YORK
LAW DEPARTMENT**

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

100 CHURCH STREET
NEW YORK, NY 10007

HANNAH V. FADDIS
Senior Counsel
Phone: (212) 356-2486
Fax: (212) 356-1148
hfaddis@law.nyc.gov

April 19, 2023

BY ECF

Honorable Jennifer L. Rochon
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Benjamin Case, et al. v. City of New York, et al.,
14 Civ. 9148 (JLR) (BCM)

Your Honor:

I am the attorney assigned to represent defendants in the above-referenced matter. Defendants write with a joint request on behalf of all parties: 1) for a final, brief one-week enlargement of time to file pre-trial submissions in this matter; and 2) for a referral for a settlement conference. Plaintiff joins in this request.

The parties are cognizant of the Court's prior Order indicating that no further extensions of these deadlines would be granted, following the parties' joint request for an extension of time filed on March 23, 2023. (ECF No. 181).¹ However, the parties believe there is good cause for a final brief extension. This extension is requested in order to permit the parties time to exchange and finalize the joint pre-trial submissions required by the Court. While the parties have been preparing their individual portions of these documents, due to scheduling constraints, they have not yet been exchanged. Specifically, the parties have not yet exchanged their portions of the proposed joint pre-trial order or jury charges, which are necessary to finalize their own witness and exhibit lists and proposed jury charges for the other parties' review and input. Because this information has not been exchanged, the parties have not been able to finalize their anticipated motions *in limine* and other pre-trial submissions.

While the parties have made good faith efforts to prepare these filings, scheduling constraints have caused unexpected delays. In particular, defense counsel was assigned to the

¹ The parties jointly requested an extension of this deadline until April 21, 2023.

defense of another trial matter, scheduled to begin on April 11, 2023, before Judge Stein,² and engaged in preparations for that trial the weeks prior. In addition, defense counsel was assigned as one of the trial supervisors for a matter tried before Your Honor from March 27 through March 30, 2023.³ Additionally, as the Court is aware, plaintiff's counsel was away during the recent Passover holiday. Plaintiff's counsel has also been tasked with preparing for and conducting a number of consequential depositions of high-level New York City Police Department members these past two weeks in the consolidated actions before Judge McMahon arising from the summer 2020 protests, in which there are over eight teams of counsel coordinating to complete a large amount of discovery on a rocket docket, 20 Civ. 8924 (CM)(GWG). Plaintiff's counsel also worked 3 7-hour night court, and 2 7-hour day court, indigent criminal defense shifts pursuant to New York County Law § 18-b last week and this week, which generated an unexpected amount of criminal defense assignments and work, and is scheduled to work another full day court shift this Friday.

The parties are mindful of the Court's Order and are working to comply with Friday's deadline. However, given the delays all parties have encountered recently, the amount of time and energy the parties have spent exploring the potential of settlement, and the short period of time left between now and Friday's deadline, counsel are constrained to respectfully request an additional week to file these submissions with the Court. Alternately, although the parties believe and respectfully submit that there is good cause for the requested extension until Friday, if the Court is not inclined to grant it, the parties ask that the Court grant an extension until next Tuesday, instead.

Simultaneously, as the Court is aware, the parties have been engaged in discussions regarding potential resolution of this matter. Defendants today made an offer to resolve this case, based upon which the parties agree that a settlement conference would be productive. Accordingly, the parties are jointly requesting a referral for a settlement conference.

Defendants thank the Court for its consideration.

Respectfully submitted,


/s/
Hannah V. Faddis
Senior Counsel

cc: All Counsel of Record

² Asencio v. Medina, et al., 18 Civ. 97 (SHS); this case was dismissed on April 11, 2023, for failure to prosecute when the plaintiff failed to appear for trial.

³ Columna v. City of N.Y., et al., 19 Civ. 3801 (JLR).